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PTO/SB/21 (08-00)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/940,316

Filing Date August 27, 2001

First Named Inventor Christopher REEVES

Group Art Unit 1652

Examiner Name To Be Assigned

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Total Number Of Pages In This Submission

7

Attorney Docket No. 300622002611

TECH CENTER 1600/2900

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Remarks

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name Brenda J. Wallach  
Registration No. 45,193

Signature *Brenda J. Wallach*

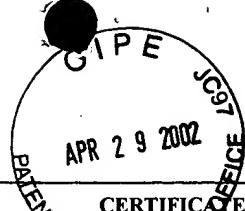
Date April 24, 2002

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 24, 2002.

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PATENT  
Docket No. 300622002611

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Garee A. Haney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Christopher REEVES et al.

Serial No.: 09/940,316

Filing Date: August 27, 2001

For: POLYNUCLEOTIDES ENCODING THE  
*fkba* GENE OF THE FK-520  
POLYKETIDE SYNTHASE GENE  
CLUSTER

Examiner: To Be Assigned

Group Art Unit: 1652

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SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the document No. 12 is also submitted herewith. Copies of all other documents were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/410,551, filed October 1, 1999, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2).

The Examiner is requested to make these documents of record in the application. The Examiner is requested to make these documents of record.

This application is a Divisional of United States Serial Number 09/410,551, filed October 1, 1999, which claims the benefit of the filing date of United States Provisional Application Serial Numbers 60/102,748, filed October 2, 1998; 60/139,650, filed June 17, 1999; and 60/123,810, filed March 11, 1999.

This application is related to United States Serial Number 09/853,306, filed May 10, 2001, which is a Continuation-In-Part of United States Serial Number 09/410,551, described above. United States Serial Number 09/853,306 also claims the benefit of the filing dates of United States Provisional Application Serial Numbers 60/204,828, filed May 17, 2000; 60/218,176, filed July 14, 2000; and 60/252,968, filed November 22, 2000.

The document No. 12 listed on the attached Form PTO-1449 was cited in a Search Report (copy attached) directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - A fee is required. A check in the amount of \* is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.

- A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \* is enclosed.
- A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 300622002611. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 24, 2002

Respectfully submitted,

By: Brenda J. Wallach  
Brenda J. Wallach  
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